

[ORAL ARGUMENT HELD ON NOVEMBER 14, 2019]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

STATE OF NEW YORK, *et al.*,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF LABOR, *et al.*,

Defendants-Appellants.

No. 19-5125

**STATUS REPORT**

Appellants respectfully submit this status report pursuant to this Court's order of February 8, 2021. After considering the issues, the Department has issued a notice of proposed rulemaking that proposes to rescind the rule at issue in this appeal. *See* 88 Fed. Reg. 87,968 (Dec. 20, 2023). The rulemaking process remains ongoing.

Respectfully submitted,

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/s/ Michael Shih  
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DECEMBER 2023

**CERTIFICATE OF SERVICE**

I hereby certify that on December 27, 2023, I electronically filed the foregoing document with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Michael Shih  
MICHAEL SHIH